

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 05-10088-MBB

JULIANNE MARIE EVANS
Plaintiff,

VS.

NANTUCKET COMMUNITY SAILING, INC.,
RONAN O'SIOCHRU and DONNCHA KIELY
Defendants.

**DEFENDANTS' LIMITED OPPOSITION TO PLAINTIFF'S
MOTION TO EXTEND DISCOVERY FOR SIXTY (60) DAYS**

Now come the defendants, Nantucket Community Sailing, Inc., Ronan O'Siochru, and Donncha Kiely, in the above captioned action, by and through their undersigned counsel, and file their Limited Opposition to plaintiff's Motion to Extend Discovery for Sixty (60) Days.

The defendants submit that the plaintiff's Motion to Revoke the Stipulation Limiting Claims for Damages to those Related to Taste and Smell remains pending before this Honorable Court. The defendants reiterate that they acknowledge the plaintiff's right to seek the opinions of her own taste and smell expert after the defendants' expert, Dr. Robert Henkin, examined her at the end of July 2006. Within her Motion, the plaintiff submits that she will be examined by her own taste and smell expert on October 20, 2006. After obtaining and reviewing the reports concerning

the plaintiff's taste and smell examination, the defendants' counsel intends to depose the plaintiff's taste and smell expert. Accordingly, the defendants concur that November 27, 2006 should be the date to close discovery in this matter.

However, if this Honorable Court revokes the plaintiff's Stipulation Limiting Claims for Damages to those Related to Taste and Smell and discovery is extended beyond November 27, 2006, the defendants will be unfairly prejudiced because all of their efforts were guided solely to the defense of a loss of taste and smell. If discovery is expanded beyond obtaining the opinions of taste and smell experts, the defendants will incur significant additional costs and expenses.

Defense counsel outlined its proposed discovery schedule in its June 5, 2006 correspondence to plaintiff's counsel with the objective and intent of obtaining the opinions of taste and smell experts and concluding discovery after the plaintiff's taste and smell expert was deposed.

At no time did defense counsel agree to any further discovery or anticipate additional discovery outside obtaining the opinions of taste and smell experts. For the reasons submitted within their Opposition to the plaintiff's Motion to Revoke the Stipulation Limiting Claims for Damages

to those Related to Taste and Smell, the defendants reiterate their Opposition to the revocation of the plaintiff's Stipulation. Accordingly, the defendants submit that this Honorable Court issue an Order limiting any further discovery to obtaining the reports and depositions of the taste and smell experts and establish the discovery schedule deadline of November 27, 2006.

WHEREFORE, the defendants pray that plaintiff's Motion to Extend Discovery for Sixty (60) Days be denied and an Order issue limiting discovery to obtaining the reports and depositions of the taste and smell experts and establish the discovery schedule deadline of November 27, 2006.

Respectfully submitted
by their attorneys,
CLINTON & MUZYKA, P.C.,

"/s/Terence G. Kenneally"

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